

## REMARKS

Entry of the foregoing amendments, and reexamination and reconsideration of the subject application, pursuant to and consistent with 37 C.F.R. § 1.104 and § 1.112, and in light of the following remarks, are respectfully requested.

### Rejection under 35 U.S.C. 112[2]

This rejection of claim four should now be withdrawn in light of the present amendment correcting the dependency of the claim.

### Rejection under 35 U.S.C. 102

This rejection of claims 1 and 6-7 as anticipated by Mori is respectfully traversed, especially in light of the present amendment.

Claim 1 has been amended to avoid any misinterpretation, and thus to clarify that the coating is cured on the substrate, rather than an already-cured coating being applied to a substrate.

While the present invention is directed to scrub pads in particular, claim 1 does recite broadly a "substrate." Nevertheless, there is no disclosure or teaching in Mori of a coating, nor of a cured coating. If Mori's composition is the claimed coating, then there is no substrate disclosed by Mori. Applicant's invention is recited as requiring a coating cured in place on a substrate to maintain an antibacterial compound in the coating and on the substrate. Accordingly, these claims are not anticipated.

The statement in the rejection that the wall to which Mori's foam allegedly could be adhered is the substrate of Applicant's claim is distinguished by the clearer claim language that the coating is cured on the substrate. There is no teaching in Mori of producing the foam directly on the wall assuming the wall were a substrate.

Claim 1 also requires that the polymeric coating be "cured." Mori teaches only polyethylene (PE) or ethylene vinyl acetate (EVA) (col. 3, ln. 32-45), which are thermoplastics. Note how Mori describes that the "organic composite" (i.e., antibacterial) "disperses well into the foam" (col. 4, ln. 7-8). Neither PE nor

EVA is "cured"; as thermoplastics they are merely solidified in the desired geometry. In addition, PE and EVA are quite soft, especially when made as Mori's foam (the only article of manufacture apparently described by Mori), unsuitable for a scrub pad. Accordingly, Mori does not describe the invention as recited in claims 1 and 6-7.

Rejections under 35 U.S.C. 103

1. The rejection of claims 10, 14-15, and 20 hereunder as obvious over Mori is respectfully traversed. First, Applicant traverses the use of a single reference in this rejection. *In re Laskowski*, 10 USPQ2d 1397 (Fed. Cir. 1989); *In re Grabiak*, 226 USPQ 870, 872 (Fed. Cir. 1984); 37 C.F.R. § 1.104(c)(2) and § 1.104(d)(2). See also *In re Kotzab* 55 USPQ2d 1313, 1717 (Fed. Cir. 2000)<sup>1</sup>.

More importantly, the undersigned can find no disclosure in Mori of any coating process. Hence, pursuant to § 1.104(c)(2), the Examiner is requested to specify where in the reference "the method of Mori is disclosed as also useful in coating of walls and floors." Rather, the disclosure is that the foam so made "can be used as a cushioning material on floors and walls" (col. 6, ln. 55-56; emphasis added). There is absolutely no disclosure of coating a foam material onto any substrate. Adhering an existing foam article (e.g., a foam tile) to a wall is contrary to the conventional definition of "coating" where a fluid is used: either as a liquid or flowable material spread over a substrate (like painting), or a gas reacting to form a coating on a substrate (such as chemical vapor deposition). Accordingly, this rejection should now be withdrawn.

2. The rejection of claims 1-7 and 10-15 over Palaikis (*et al.*) in view of Mori is respectfully traversed. Palaikis teaches that "[d]etergents or soaps may also

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<sup>1</sup> "Rather, they [implicit teachings] must be considered in the context of the teaching of the entire reference. Further, a rejection cannot be predicated on the mere identification in [the reference] of individual components of claimed limitations. Rather, particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed."

be coated over or otherwise applied to the article of the invention in a known manner." (Col. 7, ln. 29-31.) Coating over the fibers with a detergent does not describe embedding an antibacterial in a cured coating, although the invention does contemplate the addition of a soap (e.g., sodium lauryl sulfate) to a substrate already having an antibacterial coating cured in placed. Palaikis also teaches adhering the discontinuous fibers to make a non-woven article (col. 6, ln. 5-23) as well as adhereing abrasive particles to the non-woven article using the same adhesive, but the adhesive is not an antibacterial.

Mori discloses only a single article of manufacture, a foam (in whatever geometry), and is concerned with microorganisms feeding on adjuvants in the foam. There is no coating on the foam, nor is the foam made as a coating; although it might be used as a "covering" on a wall or floor. Palaikis shows no appreciation for Applicant's recognition of and solution to the problem of microbe growth on scrub pads. Although it is believed the combination of Mori's foam with Palaikis' fibers is unsupported, the combination would only teach including an antimicrobial in the Palaikis' fibers, just like the antimicrobial in Mori's foam. Contrary to the present invention, Palaikis does not disclose adhering an antimicrobial to the surface of the fibers. The combination is untenable because the references teach away from each other: Mori's composition used as foamed coating on the fibers would be contrary to Palaikis' intent to make a scrub pad, especially one with an abrasive (which would be covered by foam, rendering it useless). Therefore, even if the combination of references were proper, the combination still fails to suggest the claimed invention. Applicant would also note that scrub pads are maintained in a wet environment (conducive to microbial growth) whereas foam cushions generally are not.

3. The rejection of claims 8-9 and 16-18 as obvious over Palaikis in view of Mori and Cameron is respectfully traversed. Alkali alkyl sulfates are acknowledged as commonly used as detergents and applied as a water-soluble coating (not a cured coating) onto scrub pads. However, Cameron's disclosure does not suggest binding such a compound in a coating where it would not function as the "soap" in a conventional soap pad, but would instead function as

the claimed antimicrobial to prevent growth on the pad. As these claims are dependent on those rejected over the combination of Palaikis and Mori, which has been traversed above, the rejection of these dependent claims should also be withdrawn.

### Conclusion

The present claims require that a coating having an antimicrobial be applied to and then cured on a substrate. The cited art includes an antimicrobial in the substrate, whether foam as in Mori or fibers as in Palaikis, but not in a separate composition applied to and then cured on the substrate.

In light of the foregoing amendments and remarks, withdrawal of the rejections, and further and favorable action, in the form of a Notice of Allowance, are believed to be next in order, and such actions are earnestly solicited.

Respectfully submitted,



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